# RECEIVED CENTRAL FAX CENTER

02/17/2009 17:01 FAX 603 226 7499

DAVIS & BUJOLD, PLEEB 1 7 JUNE CENTRAL

Ø 001

. . .

PTO/SE/Z1 (12-97)
Approved for use through 9/30/00. OMB 0851-0031
Petent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.				
		Application Number	10/566,305	
l		Confirmation Number		
TRANSMITTAL		Filing Date	with an effective filing date of July 27, 2004	
FORM		First Named Inventor	James M. DAVENPORT, James N. CURTI, Barry CRANDALL and Peter W. SALTER	
(to be used for all correspondence after initial filling)		Group Art Unit	3743	
		Examiner Name		Fax: (571) 273-8300
Total No. of Pages in this Submission: 3		Attorney Docket Number	SALTER P4	7AUSP1
ENCLOSURES (check all that apply)				
☐ Fee Transmittal Form (in Dupli¢ate)		☐ Assignment papers (for an Application)		☐ After Allowance Communication to Group
☐ Fee attached - Check \$		☐ Drawing(s)Annotated Sheet(s)[]  Replacement Sheet(s)[]		☐ Appeal Communication to Board of Appeals and Interferences
☐ Amendment/Response []		☐ Licensing-related Papers ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition (DELETED - no longer useful) ☐ To Convert a Provisional Petition		☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) ☐ Proprietary Information
☐ Affidavits/declaration(s)				
☐ Extension of Time Request				□ Status Letter
(in Duplicate)				■ Additional Enclosure(s)
☐ Express Abandonment Request		Power of Attorney, Revocation     Change of Correspondence Address		(please identify below):
☐ Information Disclosure Stmt		Terminal Disclaimer		Request for Refund[2]
☐ Certified Copy of Priority Document(s)		□ Small Entity Statement		
☐ Response to Missing Part/s Incomplete Application		☐ Request for Refund		
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53				
REMARKS				
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  Reg. No. 32,018				
Firm or Individual Name	Name Michael J. Bujold DAVIS & BUJOLD, P.L.L.C.			CUSTOMER NO. 020210
Signature	and fly			·
Date February 17, 2009				
CERTIFICATE OF TRANSMISSION				
t hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on February 17, 2009				
		7/0/134		Date: February 17, 2009 (aag)
Signature		Idral / Est		Date: February 17, 2009 (aag)

→ USPTO CENTRAL 2002
RECEIVED
CENTRAL FAX CENTER

FEB 1 7 2009

17Feb09

### PATENT APPLICATION

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

James M. DAVENPORT, James N. CURTI,

Barry CRANDALL and Peter W. SALTER

Serial no. : 10/566,305

Confirmation No.

Filed :

with an effective filing date of July 27, 2004 RESPIRATORY THERAPY SYSTEM

INCLUDING A NASAL CANNULA

ASSEMBLY

**Group Art Unit** 

Examiner

3743

Docket

SALTER P47AUSP1

The Commissioner for Patents U.S. Patent & Trademark Office P. O. Box 1450 Alexandria, VA 22313-1450

## REQUEST FOR REFUND

#### Dear Sir:

Upon filing the Information Disclosure Statement sent on February 6, 2009, the undersigned inadvertently paid a \$180.00 official fee (under fee code 1860) for late submission of an Information Disclosure Statement. Although this prior art was not filed with the United States Patent and Trademark Office within three (3) months of the original filing date of the above identified application, as no official action has yet to issue with respect to this case, it is respectfully submitted that it was not necessary to pay the \$180.00 official fee in order for this information to be filed and be substantively considered by the United States Patent and Trademark Office.

In view of the above, the undersigned hereby requests a refund, in the amount of \$180, be refunded to the office of the undersigned with respect to this case. Alternatively, the United States Patent and Trademark Office is authorized to credit \$180.00 to the below listed deposit account.

#### 10/566,305

In the event that the United States Patent and Trademark Office does not believe that a refund is proper or appropriate in this case, please provide the undersigned with a formal explanation of why the same is not available.

If you have any questions concerning this matter or require further clarification, please contact the undersigned. In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

Michael J. Buffold, Reg. No. 32,018

Customer4No. 020240
Davis & Bujold, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490

Facsimile 603-226-7499

E-mail: patent@davisandbujold.com